



**TESTIMONY OF S. DEREK PHELPS  
EXECUTIVE DIRECTOR  
CONNECTICUT SITING COUNCIL**

**SUBMITTED TO THE ENERGY AND TECHNOLOGY COMMITTEE, IN  
OPPOSITION OF H.B. 6607, AAC ELECTRIC SUBSTATIONS IN  
RESIDENTIAL AREAS**

**MARCH 3, 2009**

Good morning Senator Fonfara, Representative Nardello, ranking members, and distinguished members of the Energy and Technology Committee. My name is Derek Phelps; I am the Executive Director of the Connecticut Siting Council.

Thank you for this opportunity to provide this testimony in connection with H.B. No. 6607, AN ACT CONCERNING ELECTRIC SUBSTATIONS IN RESIDENTIAL AREAS. This bill seeks to heighten the scrutiny of the review associated with the siting of electric substations by raising the number of votes in favor of approval that would be required in order for such substations to receive a Certificate of approval from the Siting Council. Specifically, this bill would require that an electric substation not be approved for siting unless it has the support of at least three-fourths of its membership.

The public mission of the Siting Council is to act as an independent judicial arbiter that objectively balances the statewide need for these projects, at the lowest reasonable cost to consumers, with the need to protect the environment and ecology of the state. Electric substations are within the Siting Council's jurisdiction.

As you may know, the Siting Council is a nine-member body comprised of seven members of the lay public and representatives of DEP and DPUC. Of the seven representatives of the public, two are appointed by the General Assembly and the remaining five are appointed by the Governor, including the Chairman, who is Judge of the Probate District of Fairfield. This group includes a former mayor and former members of planning and zoning and inland wetlands commissions, and former legislators. They live throughout our state – from Fairfield, to Norfolk, to Stonington, and all parts in between.

To the extent that three-fourths of nine is 6.75, this proposed change that three-fourths of the membership would need to vote in favor of such a substation facility is required for approval, effectively means that seven members would need to vote to approve. This requirement would potentially introduce significant practical challenges to what is now a well-balanced and capable process for our agency.

The members of the Siting Council represent different communities throughout our state. Our public members are also not full-time employees of state service. It is therefore important to understand that occasionally one or more members are unable to participate in proceedings because of schedule conflicts or because of a desire to abstain from participation in order to avoid either real or perceived conflict with the proposed project. In such cases, there may be only seven members participating in a proceeding – which of course means that under the legislative proposal that is the subject of the proposed bill, a unanimous vote for approval of all participating members would be required to site such a facility.

Although unanimous votes – or even nearly unanimous votes – in favor of large-scale electric infrastructure are not uncommon, requiring such outcomes has the very real potential of introducing a wholly unworkable standard for the siting of substation facilities. Often, one Council member or another will object to a certain aspect of a certain specific aspect proposed facility, and will therefore choose to vote in opposition while a clear majority votes in favor. In such a scenario, under the proposed legislative measure called for under this bill, for the reasons described above that one vote in opposition will bring about a denial of the proposed project.

It is also important to note that the siting process that these and other jurisdictional facilities undergo under the existing process is extremely robust and comprehensive. Comments are collected from DEP, the Department of Health, and other pertinent state agencies. A full administrative hearing process is followed, with ample opportunity for discovery of relevant evidence in favor and in opposition of the proposed project. Substantial notice is provided to the affected community in order to facilitate comment from all concerned persons. And before this process occurs at the Siting Council, the applicant must meet with the host municipality for no less than two months in order to develop a complete record as to the concerns, if any, of local officials.

Lastly, I wish to point out that the proposed bill does not clarify what is meant by a “residential area.” Substations, by their nature, reduce voltage to distribution service to customers. Much of the time, such substations must – by their nature – be sited in residential areas in order to serve residential load. Naturally, if a substation is

serving a residential load center, it stands to reason that residences will be relatively close by. While understandably intending to heighten the review process around the siting of such substations in residential areas, some clear criteria should be applied as to how such a residential area is actually defined for purposes of this proposed statutory change.

In summary, the Siting Council's existing process very capably collects relevant evidence and comment from a wide array of sources in order to reach reasoned, responsible decisions. Because of the nature of the proposals, and the deliberative process, its decisions are not always unanimous. The "at least three-fourths of its membership" voting requirement called for under this proposed bill introduces an unnecessary if not altogether unwieldy requirement in a manner that threatens to introduce undue difficulties. It is on that basis that we urge it not be supported by this committee.

Thank you for this opportunity to provide this testimony to your committee.